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TO UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
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RUEHTRO/AMEMBASSY TRIPOLI IMMEDIATE 7403
INFO RUEHBW/AMEMBASSY BELGRADE IMMEDIATE 1699
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C O N F I D E N T I A L SECTION 01 OF 03 STATE 166909

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TAGS: [PREL](#) [UN](#) [UNMIK](#) [PGOV](#) [YI](#) [EU](#)

SUBJECT: DEMARCHE INSTRUCTION ON KOSOVO FINAL STATUS

Classified By: IO PDAS James B. Warlick for reasons 1.4(b) and (d)

11. (SBU) This is an action request. The Department requests that Embassies in current and new (2008) non-European members of the UN Security Council Countries (except Beijing) deliver the following demarche on Kosovo at the highest appropriate level before December 17. This message is info only for Beijing.

12. (C) The objectives of this demarche are to:

-- Convey our assessment that negotiations on Kosovo's future status have exhausted their potential to produce an agreement and should not continue;

-- Note that the United States and Europe want to work with other members of the international community to resolve urgently Kosovo's status and that we believe that the plan of UN Special Envoy Martti Ahtisaari, including his recommendation of supervised independence for Kosovo, is the best way forward;

-- Urge helpful messages at the December 19 UN Security Council (UNSC) session on Kosovo and afterward, including vocal support for the Ahtisaari recommendations;

-- Provide some background on the Kosovo issue to new UNSC members.

13. (C) BACKGROUND (HISTORY): For the last fifteen years, the UNSC has taken action to respond to the threats to international peace and security connected to the violent disintegration of Yugoslavia. The UNSC will soon consider the last major unsettled issue related to the breakup of Yugoslavia: the status of Kosovo. Following eight years of UN administration through the UN Mission in Kosovo (UNMIK) and two years of negotiations, the process to determine Kosovo's status (i.e., whether it should become independent or whether Serbia should retain sovereignty) is about to conclude. In 1999, after the Kosovo war, UN Security Council Resolution (UNSCR) 1244 established UNMIK to provide a transitional administration for Kosovo and to establish and oversee the development of provisional democratic self-governing institutions. UNMIK's responsibilities under resolution 1244 included facilitating a political process to determine Kosovo's future status. The resolution did not rule out any possible status outcomes. UN Secretary-General (SYG) Kofi Annan appointed in November 2005, former Finnish President Martti Ahtisaari as Special Envoy to lead the Kosovo

status process. Ahtisaari conducted fifteen months of negotiations between Belgrade and Pristina, focusing in particular on arrangements to protect the rights of Kosovo's minority Serb population.

¶4. (SBU) BACKGROUND (UNSC): Last spring, Ahtisaari presented a set of proposals for Kosovo that included a package of measures to protect Kosovo's minority populations and a recommendation of "supervised independence" for Kosovo. Pristina accepted the Ahtisaari Plan; Belgrade rejected it. The EU, NATO, the UN SYG Ban Ki-moon, and a majority of UNSC members supported the plan, but Russia threatened to veto any UNSC resolution endorsing it, saying Russia would only support a mutually-acceptable outcome. Therefore, in August we attempted one more round of negotiations led by a U.S./EU/Russia Troika. At the outset of this process, the United States, France, Germany, United Kingdom, Italy and Belgium said publicly that if this last round of talks failed to produce an agreement, then the Ahtisaari Plan would be the best way forward. In the course of its work, the Troika helped the parties explore every reasonable status outcome (independence, autonomy, confederation, status-silent proposals), but the parties failed to reach an agreement. The Troika's mandate concluded on December 10 with a report to the UN SYG from the Contact Group countries (France, Germany, Italy, Russia, United States, United Kingdom). The report gave a factual accounting of the talks but made no recommendations. The U.S. and

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European members of the Troika subsequently stated that further negotiations would not bring the sides any closer to an agreement; Russia disagrees.

¶5. (C) BACKGROUND (PREFERRED OUTCOME): The United States and almost all EU states have concluded that, in light of its tragic history, particularly the atrocities committed by the Milosevic regime in Kosovo in the 1990s, any attempt to reintegrate Kosovo into Serbia would lead to new violence and regional instability. During eight years of UN administration, Kosovo has established institutions of self-government; as a practical matter, Belgrade's rule has long been severed, and the current UNMIK administration cannot continue indefinitely. Considering these factors, we believe that independence for Kosovo is the only viable outcome. Under the Ahtisaari Plan, a steering committee under the Contact Group would appoint an International Civilian Representative to supervise Kosovo's independence, particularly the implementation of minority rights guarantees, to ensure that an independent Kosovo remains stable. The NATO-led peacekeeping force, KFOR, would remain to provide security, and an EU-led Rule of Law mission would focus on the police/justice sector.

¶6. (C) BACKGROUND (NEXT STEPS): In the coming weeks, the United States and other key Europeans will make clear that further negotiations would not be useful and that Kosovo's status needs to be resolved urgently. With the conclusion of the Troika process, high-level EU consultations are underway. Then, sometime in early 2008 the Kosovo Assembly will likely make a "coordinated declaration of independence" (CDI), which would be followed by recognition by the United States and most European countries. As a condition of recognition, we and our European partners would insist that Kosovo commit to implement fully the Ahtisaari Settlement (particularly its provisions to protect minority rights) and welcome the new international presences to supervise Kosovo.

¶7. (C) BACKGROUND (UNSC ROLE): The UNSC will discuss the Troika's report December 19. Serbia and Russia are already advocating further negotiations. We and key members of the UNSC will work to avoid prolonged or unproductive discussion of this issue in the UNSC. We anticipate no vote in the Security Council on a subsequent

resolution, so no opportunity for a Russian veto. Ideally, we would like to isolate Russia in this session and demonstrate that the Ahtisaari recommendations continue to enjoy the support of a majority of UNSC members. Broad support will help us secure cooperation from UN SYG Ban Ki-moon, with whom we are working closely to ensure a smooth transition to independence and the new international presences.

18. (SBU) POINTS FOR NON-EUROPEAN UNSC CAPITALS: Posts are encouraged to draw upon the points below in private conversations with host government officials (points for public use available reftel):

-- After two years of status talks between Belgrade and Pristina -- first under the auspices of UN Special Envoy Martti Ahtisaari, then under the U.S./EU/Russia Troika -- no mutually-acceptable outcome has been found. No stone has been left unturned in the quest for a negotiated agreement.

-- The U.S. and European negotiators in the Troika have made clear that further negotiations would be pointless.

-- Kosovo's status needs urgently to be resolved. The people of Kosovo have lived for eight years under UN administration, effectively cut off from international lending possibilities and foreign investment and marginalized from international fora.

-- UN SYG Ban and all members of the Contact Group agree that the status quo is unsustainable in Kosovo. Kosovo's political and economic development will be held back so long as there is uncertainty about Kosovo's future status.

-- Last spring the European Union, NATO, the United States, the UN Secretary General and the majority of the UN Security Council supported a resolution to implement the Ahtisaari Plan as the best way to promote long-term

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stability in the region. One member of the UNSC threatened a veto, and we did not go forward with a vote.

-- Based on concerns of this member, we agreed to 120 days of further negotiations and formed a Troika (U.S./EU/Russia) to conduct these talks on behalf of the Contact Group and with the endorsement of the UN Secretary-General.

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-- Belgrade continued to propose variations of its autonomy plan for Kosovo. Pristina insisted on some form of independence but proposed significant cooperation mechanisms with Belgrade on areas of mutual concern such as minority rights and protection of Serb cultural sites.

-- When we launched the Troika process last summer, the United States and EU members of the UNSC made clear that if the parties could not reach agreement, we remained committed to the proposal of UN Special Envoy Martti Ahtisaari, including his package of measures to protect Kosovo's minorities and his recommendation of supervised independence, as the best way forward.

-- The United States reaffirms today that the Ahtisaari Plan is the best way to promote stability in the region and to resolve this last outstanding issue related to the break-up of Yugoslavia. We want to work with our partners to implement this plan.

-- The Ahtisaari Plan provides broad protections for minorities and provisions that will promote a democratic and multi-ethnic Kosovo. It envisions a major role for the international community in overseeing implementation

of these provisions and providing support needed for Kosovo's democratic and economic development.

-- President Ahtisaari's recommendation of supervised independence for Kosovo is realistic and the only viable outcome of this tragic situation:

A) The tragic events of 1990s (breakup of Yugoslavia, ethnic cleansing, oppression) have created a situation where Serbia cannot govern Kosovo;

B) Keeping Kosovo and Serbia together would lead to dysfunctional governance, fuel extremism and threaten international peace and security.

C) The UNSC, through Resolution 1244, has excluded Serbia from exercising governmental authority in Kosovo since 1999 and, after years of separate institutional development, it is not practical to reintegrate them;

-- A swift resolution of Kosovo's status offers the best hope for stability in the region and further democratic development in Kosovo and Serbia.

-- After eight years of limbo, the people of Kosovo urgently need clarity about their future.

-- Further delays would create new risks to regional stability and threaten to jeopardize progress the United Nations has achieved in Kosovo.

-- The UNSC plans to review the situation on December 19.

-- UNSC endorsement of the Ahtisaari Plan would be the best basis for moving forward. However, based on the Russian position to date, such action is unlikely.

-- We want, however, to ensure that the Ahtisaari recommendations enjoy the widest international support possible.

-- At the December 19 UNSC session, we encourage you to voice your support for the Ahtisaari Plan and note the need for a swift resolution of this issue.

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